

Diploma thesis topic title

Constitutional aspects of compulsory vaccination

Abstract

This diploma thesis focuses on the assessment of the constitutional conformity of compulsory vaccination. In particular, the thesis deals with the conflict of interest in combating the emergence and spread of infectious diseases and the interest in not interfering with fundamental human rights. The main objective of the thesis is to provide a possible line of reasoning for defending the compliance of the vaccination obligation with the constitutional order. The aim is to cover all conceivable aspects that can be associated with mandatory vaccination.

First, an interference with fundamental rights is examined in the light of the Charter of Fundamental Rights and Freedoms. By performing the proportionality and rationality analysis it is assessed whether the limitation of the affected rights can be justified. A special attention is paid to a statutory reservation and a conscientious objection. Due to a significant importance of the system of the European Convention on Human Rights, one part of the thesis is focused also on the examination of the compliance of compulsory vaccination with this international instrument. For those purposes a five-step analysis is performed.

In this thesis also medical issues are discussed because without its knowledge an erudite legal assessment cannot be made. For example, the reader can learn how the herd immunity works, what the health risks of vaccine administration are, or why it is advantageous to use combination vaccines. The thesis also answers the questions whether it is reasonable to change the mandatory vaccination system, how important it is to follow the prescribed vaccination schedule or if the state ensures sufficient awareness for the population.

To support my arguments I used case law of Czech and international courts, legal and medical literature, expert studies and statistics, consultation with specialists or a questionnaire survey.

Key words

compulsory vaccination, fundamental human rights, protection of health